

Matter 2 – Conformity with the Adopted Core strategy and with National planning Policy.

Introduction

- 1.0 Paragraph 3.13 of the H/E-DPD explains the priority approach for the selection of housing sites which is intended to accord with Core Strategy [CS] Policies CS7 and CS8. The question is whether those policies accord with subsequent national planning policy as expressed in the Framework and the NPPG.
- 2.0 Paragraph 14 of the Framework sets out a presumption in favour of sustainable development and goes on to state that *“Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless”* adverse impacts would demonstrably outweigh the benefits etc. Paragraph 47 requires local authorities to *“boost significantly the supply of housing”* in order to meet the *“full objectively assessed needs for market and affordable housing in the housing market area”* etc.
- 3.0 Prioritising site selection in order of Brownfield, infill and sustainable settlement extension might accord with Policies CS7 and CS8 of the CS, but it does not comply with the test of Paragraph 14 of the Framework which simply sets out a presumption in favour of sustainable development. This brings the spatial development strategy of the CS into question, particularly if it fails to deliver the required housing numbers.
- 4.0 For these reasons Policy H1 should be deleted and replaced by a policy which should aim to bring forward sustainable sites without delay.

Five Year Housing Land Supply

- 5.0 Policy CS7 identifies a need for 12,063 dwellings which equates to 754 per year. It also aims to maintain a five year supply of housing and thus generally accords with Paragraph 47 of the Framework. The Council currently maintains that it has a 5 year supply but that is open to question. Indeed there are a number of issues with the assessment.
- 6.0 There has been persistent under delivery over several years as indicated in Table 2, notably since the adoption of the CS, yet it is not deemed necessary to invoke the 20% buffer. This is not compliant with Paragraph 47 of the Framework.

- 7.0 The Council seek to spread the residual target across the remaining Plan period. Prior to the publication of the NPPG there was much debate about how a shortfall from previous years should be dealt with. Two approaches emerged and became known as the Liverpool and the Sedgefield approaches. The former sought to aggregate the shortfall over the remaining plan period [as now proposed] whilst Sedgefield sought to address it in the first 5 years.
- 8.0 The NPPG has brought clarity to the issue in supporting the Sedgefield approach. It states at Paragraph: 035 Reference ID: 3-035-20140306 that: *Local Planning Authorities should aim to deal with any undersupply within the first 5 years of the plan period where possible...* This approach sits comfortably with the core objectives of the Framework at Paragraph 47 to *“boost significantly the supply of housing”*.
- 9.0 Furthermore, in the Planning Advisory Service document entitled *Ten Key Principles for owning your housing number*, it is made clear that the *Sedgefield approach is more closely aligned with the requirements of the NPPF and the need to boost significantly the supply of housing and remedy the unsatisfactory consequences of persistent under delivery*.
- 10.0 The problem is exacerbated by the assessment of delivery. Footnote 11 to Paragraph 47 makes clear that *“to be considered deliverable, sites should be available now”* and offer a realistic prospect of delivery within 5 years and in particular *“that development of the site is viable”*. This requirement has been ignored in the adopted methodology and consequently the process is fundamentally flawed. In particular sites are included that do not have planning permission and for which there is no evidence of imminent delivery.
- 11.0 Table 3 lists sites included in the 5 year supply. As mentioned, a large number do not have planning permission. These should immediately be discounted as concluded by Inspector Holland at the Manchester Road/Crossing Road, Chapel-en-le-Frith appeal [APP/H1033/A 11/2159038]. In allowing it he stated that *“The inclusion of the phrase until permission expires [in footnote 11] strongly implies that a site which no longer has—**or significantly**[my emphasis] has not yet received – planning permission for housing is not to be considered deliverable in terms of the Framework”*.
- 10.0 This approach is supported by the Leasowes Road/Laurels Road appeal at Offenham [APP/1840/A/2203924] where Inspector Fox states at paragraph 29 that: *“Whilst the footnote does not specifically rule out sites which do not have planning permission, there is in my view an onus on the part of the Council to demonstrate that these sites have a realistic prospect of delivery within the relevant five year period”*.
- 11.0 Paragraph 031 Of the NPPG states that: *“Local Planning Authorities will need to provide robust, up to date evidence to support the deliverability of sites, ensuring that their judgements on deliverability are clearly and transparently set out”*.

12.0 It seems that no such robust evidence is available. It is insufficient to place any reliance on the SHLAA, or proposed allocations, without adequate, in depth, evidence that sites are capable of delivering houses as planned within five years. Rather than support the possibility of deliverability, many of the comments accompanying the selected housing sites demonstrate the opposite.

13.0 Rather than speculate about future delivery, another approach is to look at the previous five years worth of previous completions. These are to be found at Table 2. It is immediately clear that the Council has never come close to the annual CS target of 754 dwellings. In the three years since adoption of the CS the figures have never exceeded 400.

14.0 It is clear that the Council's claim of a 5 year housing land supply is completely without foundation. It follows that there is a very serious problem which the Plan fails adequately to address.

Policy Implications – site delivery and the spatial strategy.

15.0 It is now well established through, appeal decisions and the courts, that in the absence of a five year supply of housing land, the housing delivery policies of the development plan, in this case the Core Strategy, cannot be considered up to date. It would be prudent to consider the delivery framework set out at Appendix 2 in the light the continuing failure of the Council to deliver the necessary supply of housing. In this context **it is essential to identify locations and sites in Phase 1 [2014 -2019] which are clearly deliverable and to reconsider those sites which are not.**

16.0 Without assessing sites individually, a number of pitfalls are immediately apparent in the schedule. Firstly there is an over reliance on the Scunthorpe sites. Whilst this is in conformity with the CS Spatial Strategy, the continuing failure to meet the five year housing supply target is indicative of a fundamental weakness. It is proposed that in Phase 1 some 4,072 dwellings should be brought forward from the Scunthorpe sites, of which 1,800 are to come from Lincolnshire Lakes. This amounts to an average of 814 per year which, judged on past performance, is very unlikely. It seems probable that the Scunthorpe market is limited. As for Lincolnshire Lakes it is considered that the build rate of 360 per annum is over optimistic. Experience of large strategic development sites demonstrates that lead in periods should not be underestimated.

17.0 A similar problem is apparent in Brigg. Here the failed policy of the previous Local Plan to aspire to a relief road around the northern extremity of the town is again in evidence. The chances of

sites BRIH-1, 2 and 5 coming forward in Phase 1, or even later in the Plan period are remote. Without a commitment to compulsory purchase the land issues are unlikely to be resolved whilst two of the sites are in Flood Zones 2/3a.

18.0 The contingency sites are insufficient to resolve the immediate problem and indeed, are themselves questionable in terms of their ability to deliver within 5 years. Many have existing uses which will have to be relocated and some are in Flood Zones 2/3a.

19.0 In the light of these fundamental problems it is apparent that a reappraisal of how the Spatial Strategy should be applied is necessary and that high priority should be afforded to the identification of sites that can be brought forward with reasonable certainty during Phase 1 of the Plan period. These include consideration of omission sites as well as reappraisal of settlement boundaries, particularly in the Market Towns and larger villages.

20.0 In undertaking this exercise it is worth considering that whilst the CS Spatial Strategy aims to deliver the majority of houses to Scunthorpe, a very significant employment allocation is located in the North East of the District at the Humber bank. It would be sensible to consider the allocation of more housing growth in the Market Towns and in sustainable settlements such as Barrow upon Humber and Goxhill, which are reasonably accessible to this major employment growth area.

21.0 In conclusion it is that as drafted the Plan fails the test of soundness. In particular the strategy for delivering the required number of houses is unjustified and will be ineffective. As such it is inconsistent with national policy. It is suggested that a more draconian approach is required to correct the persistent undersupply of housing, particularly during the early stages of the Plan period. During this time it is necessary to place less reliance on the Scunthorpe market and release more land in the Market Towns whilst providing greater flexibility with regard to the settlement boundaries of the other larger and more sustainable settlements.

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